

ORIGINAL

QUESTION 1

**M.G.L. c. 151B § 4
Age Discrimination – State
UMass Memorial**

- 1(a). Do you find by a preponderance of the evidence that plaintiff Dr. Charu Desai was qualified for her position at the time of her termination, she was at least 40 years old at the time of her termination, and that she was replaced?

Yes _____

No ☒ _____

If you answered Question 1(a) "Yes," answer Question 1(b).

If you answered Question 1(a) "No," proceed to Question 2.

- 1(b). Do you find by a preponderance of the evidence that the reason given by defendant UMass Memorial for plaintiff Dr. Charu Desai's dismissal was pretextual?

Yes _____

No _____

If you answered Question 1(b) "Yes," answer Question 1(c).

If you answered Question 1(b) "No," proceed to Question 2.

- 1(c). Do you find, by a preponderance of the evidence, that age was the "but for" cause of plaintiff Dr. Charu Desai's dismissal?

Yes _____

No _____

Proceed to Question 2.

QUESTION 2

**M.G.L. c. 151B § 4
Age Discrimination – State
Dr. Rosen**

- 2(a). Do you find by a preponderance of the evidence that plaintiff Dr. Charu Desai was qualified for her position at the time of her termination, she was at least 40 years old at the time of her termination, and that she was replaced?

Yes _____ No ☒ _____

If you answered Question 2(a) "Yes," answer Question 2(b).
If you answered Question 2(a) "No," proceed to Question 3.

- 2(b). Do you find by a preponderance of the evidence that the reason given by defendant Dr. Rosen for plaintiff Dr. Charu Desai's dismissal was pretextual?

Yes _____ No _____

If you answered Question 2(b) "Yes," answer Question 2(c).
If you answered Question 2(b) "No," proceed to Question 3.

- 2(c). Do you find by a preponderance of the evidence that age was the "but for" cause of plaintiff Dr. Charu Desai's dismissal?

Yes _____ No _____

- 2(d). Do you find by a preponderance of the evidence that defendant Dr. Rosen aided and abetted in the discriminatory termination of plaintiff Dr. Desai?

Yes _____ No _____

Proceed to Question 3.

QUESTION 3

**ADEA 29 U.S.C. § 623
Age Discrimination – Federal
UMASS Memorial**

- 3(a). Do you find by a preponderance of the evidence that plaintiff Dr. Charu Desai was qualified for her position at the time of her termination, she was at least 40 years old at the time of her termination, and that she was replaced?

Yes _____

No ☒ _____

If you answered Question 3(a) "Yes," answer Question 3(b).

If you answered Question 3(a) "No," proceed to Question 4.

- 3(b). Do you find by a preponderance of the evidence that the reason given by defendant UMass Memorial for plaintiff Dr. Charu Desai's dismissal was pretextual?

Yes _____

No _____

If you answered Question 3(b) "Yes," answer Question 3(c).

If you answered Question 3(b) "No," proceed to Question 4.

- 3(c). Do you find by a preponderance of the evidence that age was the "but for" cause of plaintiff Dr. Charu Desai's dismissal?

Yes _____

No _____

If you answered Question 3(c) "Yes," answer Question 3(d).

If you answered Question 3(c) "No," proceed to Question 4.

- 3(d). Do you find by a preponderance of the evidence that defendant UMass Memorial willfully committed age discrimination in dismissing plaintiff Dr. Desai?

Yes _____

No _____

Proceed to Question 4.

QUESTION 4

**Tortious Interference with Contractual Relations
Dr. Rosen**

- 4(a). Do you find by a preponderance of the evidence that Dr. Max Rosen, knowingly, and with actual malice, induced a breaking of Dr. Desai's contractual relationship with UMass Memorial?

Yes _____

No ✓ _____

If you answered Question 4(a) "Yes," answer Question 4(b).

If you answered Question 4(a) "No," proceed to damages.

- 4(b). Do you find by a preponderance of the evidence that those actions were the "but for" cause of harm?

Yes _____

No _____

Proceed to damages.

Compensatory Damages – Lost Wages

Complete only if you answered “yes” to 1(c), 2(d), or 3(c), or 4(b) above.

As to the claim(s) of Dr. Charu Desai for lost wages as a result of age discrimination and/or tortious interference, we award compensatory damages in the following amount:

\$_____ (stating the amount or, if none, write the word, “none”).

Compensatory Damages – Pain and Suffering

Complete only if you answered “yes” to 1(d), 2(c) or 4(b) above.

As to the claim of Dr. Charu Desai for pain and suffering as a result of age discrimination under 151B and/or tortious interference, we award compensatory damages in the following amount:

\$_____ (stating the amount or, if none, write the word, “none”).

Your deliberations are complete. Please sign and date the form:

12/16/22
Date

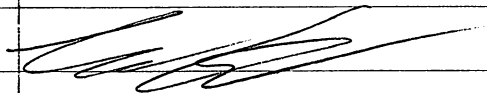

Signature of Foreperson

12/16/22; 10:00 AM



THE JURY HAS
REACHED A VERDICT

12/16/22

A handwritten signature in black ink, appearing to be 'C. B. Smith', written over the signature line of a legal document.

CHAPTER 151B

Element 1, is the text "minimally qualified for her position..." as stated on the question document?

Or is the language "meeting employer expectations..." as stated on Page 16 what should be understood?

12/15/22

